1 (Stipulating Parties Listed on Signature Pages) 2 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 3 (SAN FRANCISCO DIVISION) 4 5 IN RE: CATHODE RAY TUBE (CRT) Case No. 07-5944 SC ANTITRUST LITIGATION MDL No. 1917 6 7 STIPULATION AND ORDER This Document Relates to: **REGARDING PAGE LIMITS OF** 8 **OBJECTIONS TO AND MOTIONS TO** Electrograph Systems, Inc., et al. v. Hitachi, ADOPT SPECIAL MASTER'S MAY 2, 9 Ltd., et al., No. 11-cv-01656; **2013 REPORT AND RECOMMENDATION ON MOTIONS** 10 Stoebner, et al. v. LG Electronics, et al., TO DISMISS DIRECT ACTION No. 11-cv-05381; **COMPLAINTS** 11 Siegel v. Hitachi, Ltd., et al., No. 11-cv-12 05502; 13 Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al., No. 11-cv-05513; 14 15 Target Corp, et al. v. Chunghwa Picture Tubes, Ltd., et al., No. 11-cv-05514; 16 Interbond Corporation of America v. 17 Hitachi, et al., No. 11-cv-06275; 18 Office Depot, Inc. v. Hitachi Ltd., et al., No. 11-cv-06276; 19 CompuCom Systems, Inc. v. Hitachi, Ltd., et 20 al., No. 11-cv-06396; 21 Costco Wholesale Corporation v. Hitachi, 22 Ltd., et al., No. 11-cv-06397; 23 P.C. Richard & Son Long Island Corporation, et al., v. Hitachi, Ltd., et al., 24 No. 12-cy-02648: 25 Schultze Agency Services, LLC, et al. v. 26 Hitachi, Ltd., et al., No. 12-cv-02649. 27 STIPULATION AND ORDER REGARDING 28 PAGE LIMITS OF OBJECTIONS TO AND MOTIONS TO ADOPT SPECIAL MASTER'S

MAY 2, 2013 REPORT AND

RECOMMENDATION ON MOTIONS TO DISMISS DIRECT ACTION COMPLAINTS

Case No. 07-5944 MDL NO. 1917

- 1	
1	WHEREAS, on August 17, 2012, the undersigned Defendants jointly moved to dismiss
2	various claims asserted in the complaints filed by Direct Action Plaintiffs ("DAPs") (Dkt. Nos.
3	1317 & 1318);
4	WHEREAS, on September 28, 2012, DAPs filed papers opposing the Defendants' Joint
5	Motion to Dismiss (Dkt. No. 1384);
6	WHEREAS, on October 26, 2012, Defendants filed reply papers in support of the Motions
7	to Dismiss (Dkt. No. 1422);
8	WHEREAS, on February 14, 2013, Special Master Charles A. Legge heard argument on
9	the Motions to Dismiss;
10	WHEREAS, on February 22, 2013, DAPs filed a letter brief to Special Master Legge
11	(Dkt. No. 1580);
12	WHEREAS, on February 22, 2013, Defendants filed a letter brief to Special Master Legge
13	(Dkt. No. 1581);
14	WHEREAS, on May 2, 2013, Special Master Legge issued a Report and Recommendation
15	Regarding the Motions to Dismiss (Dkt. No. 1664) ("R&R");
16	WHEREAS, the Motion to Dismiss and subsequent R&R cover a large number of legal
17	issues that span both DAPs' federal claims and claims brought under the laws of 17 different
18	states;
19	WHEREAS, Defendants and DAPs (collectively "the Parties") intend to move to adopt or
20	object to various portions of the R&R
21	WHEREAS, the Local Rules of the United States District Court for the Northern District
22	of California, Civil Local Rules 7-2 and 7-4, would otherwise govern the page limits for the
23	opening briefs, the responsive briefs, and the reply briefs in connection with the parties' motions
24	to adopt, and objections to, the R&R.
25	IT IS HEREBY STIPULATED AND AGREED by and between counsel for the DAPs
26	and counsel for the Defendants in the above-captioned actions, as follows:
27	1. The Parties' opening briefs shall be limited to no more than 30 pages of text;
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS TO AND MOTIONS TO ADOPT SPECIAL MASTER'S MAY 2, 2013 REPORT AND RECOMMENDATION ON MOTIONS TO  MDL NO. 1917

| DISMISS DIRECT ACTION COMPLAINTS

# 

1	2. The Parties' responsive bri	efs shall be limited to no more than 45 pages of text;
2	3. The Parties' reply brief sha	all be limited to no more than 20 pages of text.
3		
4		
5		Respectfully submitted,
6	Dated: May 31, 2013	WHITE & CASELLP
7		By: /s/ Lucius B. Lau
8		CHRISTOPHER M. CURRAN (pro hac vice) ccurran@whitecase.com LUCIUS B. LAU (pro hac vice)
9		alau@whitecase.com
10		DANA E. FOSTER (pro hac vice) defoster@whitecase.com
11		WHITE & CASE LLP 701 Thirteenth Street, N.W.
12		Washington, DC 20005 Telephone: (202) 626-3600
13		Facsimile: (202) 639-9355
14		Attorneys for Defendants Toshiba Corporation, Toshiba America Information Systems, Inc., Toshiba
15		America Consumer Products, L.L.C., and Toshiba America Electronic Components, Inc.
16		OWELVEND CAMERCIA
17		O'MELVENY & MYERS LLP
18		By: /s/ Ian Simmons IAN SIMMONS (pro hac vice)
19		isimmons@omm.com BENJAMIN G. BRADSHAW (SBN 189925)
20		bbradshaw@omm.com KEVIN D. FEDER (SBN 252347)
21		kfeder@omm.com O'MELVENY & MYERS LLP
22		1625 Eye Street, NW Washington, DC 20006
23		Telephone: (202) 383-5300 Facsimile: (202) 383-5414
24		Attorneys for Defendants Samsung Electronics Co.,
25		Ltd. and Samsung Electronics America, Inc.
26		
27		
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS TO AND MOTIONS TO ADOPT SPECIAL MASTER'S MAY 2, 2013 REPORT AND RECOMMENDATION ON MOTIONS TO DISMISS DIRECT ACTION COMPLAINTS	3 Case No. 07-5944 MDL NO. 1917

1		WINSTON & STRAWN LLP
2		By: /s/ Jeffrey L. Kessler
3		JÉFFREY L. KESSLER (pro hac vice) JKessler@winston.com
5		A. PAUL VICTOR (pro hac vice)
4		PVictor@winston.com
5		ALDO A. BADINI (SBN 257086) ABadini@winston.com
		EVA W. COLE (pro hac vice)
6		EWCole@winston.com MOLLY M. DONOVAN
7		MMDonovan@winston.com
0		WINSTON & STRAWN LLP
8		200 Park Avenue New York, NY 10166
9	•	Telephone: (212) 294-6700
10	-	Facsimile: (212) 294-4700
10		STEVEN A. REISS (pro hac vice)
11		steven.reiss@weil.com
12		DAVID L. YOHAI ( <i>pro hac vice</i> ) david.yohai@weil.com
12		ADAM C. HEMLOCK (pro hac vice)
13	;	adam.hemlock@weil.com
14		WEIL, GOTSHAL & MANGES LLP 767 Fifth Avenue
14		New York, New York 10153-0119
15		Telephone: (212) 310-8000
		Facsimile: (212) 310-8007
16		Attorneys for Defendants Panasonic Corporation (f/k/a
17	,	Matsushita Electric Industrial Co., Ltd.), Panasonic
		Corporation of North America, MT Picture Display
18	,	Co., Ltd.
19		MORGAN, LEWIS & BOCKIUS LLP
20		D /_/ V M D
20		By: /s/ Kent M. Roger KENT M. ROGER (SBN 95987)
21		kroger@morganlewis.com
22		MICHELLE PARK CHIU (SBN 248421) mchiu@morganlewis.com
22		MORGAN, LEWIS & BOCKIUS LLP
23		One Market, Spear Street Tower
24		San Francisco, California 94105-1126 Telephone: (415) 442-1000
∠ <del>+</del>		Facsimile: (415) 442-1001
25		
26		
27		
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS	

STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS TO AND MOTIONS TO ADOPT SPECIAL MASTER'S MAY 2, 2013 REPORT AND RECOMMENDATION ON MOTIONS TO DISMISS DIRECT ACTION COMPLAINTS

## Case3:07-cv-05944-SC Document1722 Filed06/07/13 Page5 of 11

1		J. CLAYTON EVERETT, JR. (pro hac vice) jeverett@morganlewis.com
2		SCOTT A. STEMPEL (pro hac vice) sstempel@morganlewis.com
3		MORGAN, LEWIS & BOCKIUS LLP 111 Pennsylvania Avenue, NW
4		Washington, DC 20004
5		Telephone: (202) 739-3000 Facsimile: (202) 739-3001
6		Attorneys for Defendants Hitachi, Ltd., Hitachi
7		Displays, Ltd. (n/k/a Japan Display East, Inc.), Hitachi Asia, Ltd., Hitachi America, Ltd., and Hitachi Electronic Devices (USA), Inc.
8		2 0 1000 ( 0 20.2), 21101
9		MUNGER, TOLLES & OLSON LLP
10		By: /s/ Hojoon Hwang HOJOON HWANG (SBN 184950)
11		Hojoon.Hwang@mto.com MUNGER, TOLLES & OLSON LLP
12		560 Mission Street, Twenty-Seventh Floor
13		San Francisco, California 94105-2907 Telephone: (415) 512-4000
14		Facsimile: (415) 512-4077
15		WILLIAM D. TEMKO (SBN 098858) William.Temko@mto.com
16		JONATHAN E. ALTMAN (SBN 170607) Jonathan.Altman@mto.com
17		BETHANY W. KRISTOVICH (SBN 241891) Bethany.Kristovich@mto.com
18		MUNGER, TOLLES & OLSON LLP 355 South Grand Avenue, Thirty-Fifth Floor
19	'	Los Angeles, CA 90071-1560 Telephone: (213) 683-9100
20		Facsimile: (213) 687-3702
21		Attorneys for Defendants LG Electronics, Inc.; LG, LG Electronics USA, Inc.; and LG Electronics Taiwan
22		Taipei Co., Ltd.
23		
24		
25		
26		
27		
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS TO AND MOTIONS TO ADOPT SPECIAL	5 Case No. 07-5944

MASTER'S MAY 2, 2013 REPORT AND RECOMMENDATION ON MOTIONS TO DISMISS DIRECT ACTION COMPLAINTS

1		SHEPPARD MULLIN RICHTER & HAMPTON
2		By: /s/ Gary L. Halling
3		GARY L. HALLING (SBN 66087) ghalling@sheppardmullin.com
4		JAMES L. MCGINNIS (SBN 95788) jmcginnis@sheppardmullin.com
5		MICHAEL W. SCARBOROUGH (SBN 203524) mscarborough@sheppardmullin.com
6		SHEPPARD MULLIN RICHTER & HAMPTON Four Embarcadero Center, 17th Floor
7	'	San Francisco, California 94111 Telephone: (415) 434-9100
8		Facsimile: (415) 434-3947
9		Attorneys for Defendants Samsung SDI America, Inc.; Samsung SDI Co., Ltd.; Samsung SDI (Malaysia) SDN.
10		BHD.; Samsung SDI Mexico S.A. DE C.V.; Samsung SDI Brasil Ltda.; Shenzen Samsung SDI Co., Ltd. and
11		Tianjin Samsung SDI Co., Ltd.
12		
13		BAKER BOTTS LLP
14		By: /s/ Jon V. Swenson JON V. SWENSON (SBN 233054)
15		jon.swenson@bakerbotts.com BAKER BOTTS LLP
16		1001 Page Mill Road Building One, Suite 200
17	'	Palo Alto, CA 94304 Telephone: (650) 739-7500
18		Facsimile: (650) 739-7699 E-mail: jon.swenson@bakerbotts.com
19		JOHN M. TALADAY (pro hac vice)
20		john.taladay@bakerbotts.com JOSEPH OSTOYICH ( <i>pro hac vice</i> )
21		joseph.ostoyich@bakerbotts.com BAKER BOTTS LLP
22		1299 Pennsylvania Ave., N.W. Washington, DC 20004-2400
23		Telephone: (202) 639-7700 Facsimile: (202) 639-7890
24		Attorneys for Defendants Koninklijke Philips
25		Electronics N.V. and Philips Electronics North America Corporation
26		•
27		
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS	
	TO AND MOTIONS TO ADOPT SPECIAL	Case No. 07-5944

STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS TO AND MOTIONS TO ADOPT SPECIAL MASTER'S MAY 2, 2013 REPORT AND RECOMMENDATION ON MOTIONS TO DISMISS DIRECT ACTION COMPLAINTS

## Case3:07-cv-05944-SC Document1722 Filed06/07/13 Page7 of 11

1		GIBSON, DUNN & CRUTCHER LLP
2		By: /s/ Rachel S. Brass
3		Rachel S. Brass (SBN 219301) rbrass@gibsondunn.com
4		Joel S. Sanders (SBN 107234) jsanders@gibsondunn.com
5		Austin V. Schwing (SBN 211696) GIBSON, DUNN & CRUTCHER LLP
6		555 Mission Street, Suite 3000 San Francisco, California 94105
7		Tel: (415) 393-8200 Fax: (415) 393-8306
8		Attorneys for Defendant Chunghwa Picture Tubes, Ltd.
9		and Chunghwa Picture Tubes (Malaysia) as to the Target Am. Compl., P.C. Richard Compl., Tweeter
10		Compl., CompuCom Compl., Interbond Compl., Costco Compl., Office Depo Compl. and Best Buy Compl. only
11		PERKINS COIE LLP
12		
13		By: /s/ David J. Burman DAVID J. BURMAN (pro hac vice)
14		DBurman@perkinscoie.com CORI G. MOORE (pro hac vice)
15		CGMoore@perkisncoie.com ERIC J. WEISS (pro hac vice)
16		EWeiss@perkinscoie.com NICHOLAS H. HESTERBERG (pro hac vice)
17		NHesterberg@perkinscoie.com PERKINS COIE LLP
18		1201 Third Avenue, Suite 4900 Seattle, WA 98101-3099
19		Telephone: 206.359.8000 Facsimile: 206.359.9000
20		JOREN BASS (Bar No. 208143)
21		JBass@perkinscoie.com PERKINS COIE LLP
22		Four Embarcadero Center, Suite 2400 San Francisco, CA 94111-4131
23		Telephone: 415.344.7120 Facsimile: 415.344.7320
24		Attorneys for Plaintiff Costco Wholesale Corporation
25		
26		
27		
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS TO AND MOTIONS TO ADOPT SPECIAL MASTER'S MAY 2, 2013 REPORT AND RECOMMENDATION ON MOTIONS TO DISMISS DIRECT ACTION COMPLAINTS	7 Case No. 07-5944 MDL NO. 1917

1		BOIES, SCHILLER & FLEXNER LLP
2		By: /s/ Philip J. Iovieno
3		PHILIP J. IOVIENO piovieno@bsfllp.com
4		ANNE M. NARDACCI anardacci@bsfllp.com
		BOIES, SCHILLER & FLEXNER LLP
5		10 North Pearl Street, 4th Floor Albany, NY 12207
6		Telephone: (518) 434-0600 Facsimile: (518) 434-0665
7		WILLIAM A. ISAACSON
8		wisaacson@bsfllp.com
9		JENNIFER MILICI jmilici@bsfllp.com
10		BOIES, SCHILLER & FLEXNER LLP 5301 Wisconsin Ave. NW, Suite 800
		Washington, D.C. 20015
11		Telephone: (202) 237-2727 Facsimile: (202) 237-6131
12		STUART SINGER
13		ssinger@bsfllp.com BOIES, SCHILLER & FLEXNER LLP
14		401 East Las Olas Blvd., Suite 1200
15		Fort Lauderdale, FL 33301 Telephone: (954) 356-0011
16		Facsimile: (954) 356-0022
		Liaison Counsel for Direct Action Plaintiffs and
17		Attorneys for Plaintiffs Electrograph Systems, Inc., Electrograph Technologies, Corp., Office Depot, Inc.,
18		Compucom Systems, Inc., Interbond Corporation of America, P.C. Richard & Son Long Island
19		Corporation, Marta Cooperative of America, Inc., ABC Appliance, Inc., Schultze Agency Services LLC on
20		behalf of Tweeter Opco, LLC and Tweeter Newco, LLC
21		
22		ROBINS, KAPLAN, MILLER & CIRESI L.L.P.
23		By: <u>/s/ Roman M. Silberfeld</u> ROMAN M. SILBERFELD (SBN 62783)
		RMSilberfeld@rkmc.com
24		DAVID MARTINEZ (SBN 193183) DMartinez@rkmc.com
25		<b>ROBINS, KAPLAN, MILLER &amp; CIRESI L.L.P.</b> 2049 Century Park East, Suite 3400
26		Los Angeles, CA 90067-3208
27		Telephone: (310) 552-0130 Facsimile: (310) 229-5800
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS	
	TO AND MOTIONS TO ADOPT SPECIAL MASTER'S MAY 2, 2013 REPORT AND RECOMMENDATION ON MOTIONS TO DISMISS DIRECT ACTION COMPLAINTS	8 Case No. 07-5944 MDL NO. 1917

# 

1		Attania Garage Diving Mark David David Carl	D 4 D
2		Attorneys For Plaintiffs Best Buy Co., In Purchasing LLC, Best Buy Enterprise Se	ervices, Inc.,
3		Best Buy Stores, L.P., Bestbuy.com, L.L. Magnolia Hi-Fi, LLC	C., and
4		SUSMAN GODFREY L.L.P.	
5			
6		By: <u>/s/ Kenneth S. Marks</u> H. LEE GODFREY	
7		lgodfrey@sumangodfrey.com KENNETH S. MARKS	
8		kmarks@susmangodfrey.com JONATHAN J. ROSS	
9		jross@susmangodfrey.com JOHNNY W. CARTER	
		jcarter@susmangodfrey.com DAVID M. PETERSON	
10		dpeterson@susmangodfrey.com	
11		SUSMAN GODFREY L.L.P. 1000 Louisiana Street, Suite 5100	
12		Houston, Texas 77002 Telephone: (713) 651-9366	
13		Facsimile: (713) 654-6666	
14		PARKER C. FOLSE III	
15		pfolse@susmangodfrey.com RACHEL S. BLACK	
16		rblack@susmangodfrey.com JORDAN CONNORS	
17		jconnors@susmangodfrey.com SUSMAN GODFREY L.L.P.	
18		1201 Third Avenue, Suite 3800 Seattle, Washington 98101-3000	
		Telephone: (206) 516-3880	
19		Facsimile: (206) 516-3883	
20		Attorneys for Plaintiff Alfred H. Siegel, a the Circuit City Stores, Inc. Liquidating	
21		, , , , , , , , , , , , , , , , , , ,	
22		CROWELL & MORING LLP	
23		By: /s/ Jason C. Murray	
24		JASON C. MURRAY (CA Bar No. 169 jmurray@crowell.com	806)
25		CROWELL & MORING LLP 515 South Flower St., 40th Floor	
26		Los Angeles, CA 90071 Telephone: (213) 443-5582	
27		Facsimile: (213) 622-2690	
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS		O N 07 . 50
	TO AND MOTIONS TO ADOPT SPECIAL MASTER'S MAY 2, 2013 REPORT AND RECOMMENDATION ON MOTIONS TO DISMISS DIRECT ACTION COMPLAINTS	9	Case No. 07-5944 MDL NO. 1917

### Case3:07-cv-05944-SC Document1722 Filed06/07/13 Page10 of 11

1		JEROME A. MURPHY (pro hac vice)	
2		jmurphy@crowell.com ASTOR H.L. HEAVEN (pro hac vice)	
3		aheaven@crowell.com CROWELL & MORING LLP	
4		1001 Pennsylvania Avenue, N.W. Washington, D.C. 20004	
		Telephone: (202) 624-2500	
5		Facsimile: (202) 628-5116	
6		Attorneys for Target Corp. and RadioSi	hack Corp.
7			
8		KENNY NACHWALTER, P.A.	
9		By: /s/ Richard Alan Arnold	
10		RICHARD ALAN ARNOLD rarnold@knpa.com	
		WILLIAM J. BLECHMAN	
11		wblechman@knpa.com KEVIN J. MURRAY	
12		kmurray@knpa.com KENNY NACHWALTER, P.A.	
13		201 S. Biscayne Blvd., Suite 1100	
14		Miami, FL 33131	
14		Tel: (305) 373-1000 Fax: (305) 372-1861	
15		Attorneys for Plaintiffs Sears, Roebuck	and Co. and
16		Kmart Corp.	enta co. enta
17			
18		LINDQUIST & VENNUM P.L.L.P.	
19		By: /s/ Jessica L. Meyer	
20		Jessica L. Meyer (SBN: 249064) jmeyer@lindquist.com	
20		James M. Lockhart (pro hac vice)	
21		jlockhart@lindquist.com	
22		James P. McCarthy ( <i>pro hac vice</i> ) jmccarthy@lindquist.com	
23		Kelly G. Laudon (pro hac vice) klaudon@lindquist.com	
		LINDQUIST & VENNUM P.L.L.P.	
24		4200 IDS Center 80 South Eighth Street	
25		Minneapolis, MN 55402	
26		Telephone: (612) 371-3211 Facsimile: (612) 371-3207	
27		Attorneys for Plaintiffs John R. Stoebne	r, as Chapter 7
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS TO AND MOTIONS TO ADOPT SPECIAL MASTER'S MAY 2, 2013 REPORT AND RECOMMENDATION ON MOTIONS TO DISMISS DIRECT ACTION COMPLAINTS	10	Case No. 07-5944 MDL NO. 1917

### Case3:07-cv-05944-SC Document1722 Filed06/07/13 Page11 of 11

1	Tr. R.	custee for PBE Consumer Electronics, LLC and celated Entities: and Douglas A. Kelley, as Chapter 11
2		elated Entities; and Douglas A. Kelley, as Chapter 11 custee for Petters Company, Inc. and Related Entities, and as Receiver for Petters Company, LLC and Related
3	E	ntities
4		
5	PURSUANT TO STIPULATION, IT IS SO	ORDERED.
6	Tuno 7 2012	Same ways
7	June 7, 2013 Dated:	
8		Hon. Samuel Conti United States District Judge
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28	STIPULATION AND [PROPOSED] ORDER REGARDING PAGE LIMITS OF OBJECTIONS	

STIPULATION AND [PROPOSED] ORDER
REGARDING PAGE LIMITS OF OBJECTIONS
TO AND MOTIONS TO ADOPT SPECIAL
MASTER'S MAY 2, 2013 REPORT AND
RECOMMENDATION ON MOTIONS TO
DISMISS DIRECT ACTION COMPLAINTS